

ORIGINAL

FILED

2014 JAN 24 PM 4: 26

CLERK OF DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY OS DEPUTY

1 Kimberly F. Rich (SBN 185507)  
2 Mark D. Taylor (*pro hac vice*)  
3 Teresa H. Michaud (*pro hac vice*)  
4 **Baker & McKenzie LLP**  
5 2300 Trammell Crow Center  
6 2001 Ross Avenue  
7 Dallas, TX 75201  
8 Telephone: +1 214 978 3000  
9 Facsimile: +1 214 978 3099  
10 Email: Mark.Taylor@bakermckenzie.com  
11 Email: Kimberly.Rich@bakermckenzie.com  
12 Email: Teresa.Michaud@bakermckenzie.com

13 *Attorneys for Defendant*  
14 *HUGO BOSS, U.S.A., INC.*

11 UNITED STATES DISTRICT COURT  
12 SOUTHERN DISTRICT OF CALIFORNIA

**"VIA FAX"**

13 TRAVIS BENWARE, on Behalf of  
14 Himself and All Others Similarly Situated,

15 Plaintiff,

16 v.

17 HUGO BOSS, U.S.A., INC., a Delaware  
18 corporation,

19 Defendant.

Case No. 3:12-cv-01527-L-MDD

**MOTION FOR DEFENDANT'S  
COUNSEL TO APPEAR  
TELEPHONICALLY AT FINAL  
APPROVAL HEARING OR, IN  
THE ALTERNATIVE, MOTION  
FOR CONTINUANCE**

20 TO THE HONORABLE COURT:

21 Comes now Defendant Hugo Boss, U.S.A., Inc. ("Defendant"), through its  
22 designated counsel, and files this Motion for Defendant's Counsel to Appear  
23 Telephonically at Final Approval Hearing or, in the alternative, Motion for Continuance  
24 (the "Motion") and, in support of this Motion, Defendant states that good cause exists  
25 for the relief requested:  
26  
27  
28

1 On October 8, 2013, the Court entered an order preliminarily approving  
 2 settlement and setting the Final Approval Hearing in the matter for Thursday, January 30,  
 3 2014 at 3:00 p.m. (Docket No. 42).

4 On January 16, 2014, Class Counsel submitted a Motion for Final Approval of the  
 5 Proposed Class Settlement (Docket No. 43). The Motion for Final Approval confirmed  
 6 that 6,807 Class members submitted timely claims to join the proposed settlement, only  
 7 nine (9) individuals requested exclusion from the settlement and no Class members have  
 8 objected to the proposed settlement.

9 Counsel for Defendant resides in Dallas, Texas, and must travel to San Diego to  
 10 attend the Final Approval Hearing in person. However, Defendant's counsel must also  
 11 attend a continued court-ordered mediation in another matter on Friday, January 31,  
 12 2014 in Dallas. The current hearing on the Motion in this Court is scheduled for 3:00  
 13 PM on Thursday, January 30, 2014. Unfortunately, due to a lack of available flights from  
 14 San Diego to Dallas on Thursday evening, it will be quite difficult for Defendant's  
 15 counsel to return to Dallas and prepare for the mediation the following day.  
 16 Accordingly, Defendant requests the Court permit Defendant's counsel to attend the  
 17 Final Approval Hearing on the Motion telephonically, or continue the hearing until the  
 18 Court's next available hearing date.<sup>1</sup>

19 Defendant's counsel has conferred with Class Counsel regarding the relief sought  
 20 by this Motion and Class Counsel stated he is unopposed to Defendant's counsel's  
 21 telephonic appearance, but opposes the Motion for Continuance.

22 WHEREFORE, for good cause shown, Defendant requests that the Court grant  
 23 this Motion and allow its counsel to either appear telephonically for the Final Approval  
 24 Hearing that is set for January 30, 2014 at 3:00 p.m., or continue the Final Approval  
 25 Hearing until the Court's next available hearing date.

26 //

27 \_\_\_\_\_  
 28 <sup>1</sup> Should the Court grant the Motion, all counsel for Defendant, including Ms. Teresa H. Michaud, who  
 currently resides in San Francisco, California, will likewise appear telephonically.

1 Dated: January 24, 2014  
2  
3

BAKER & MCKENZIE LLP

4 By: /s/ Mark D. Taylor  
5

Mark D. Taylor

Kimberly F. Rich

6 Teresa H. Michaud

Attorneys for Defendant

7 HUGO BOSS, U.S.A., INC. and

8 HUGO BOSS RETAIL, INC.  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



**CERTIFICATE OF SERVICE**

I, Mark D. Taylor, declare as follows:

I am over the age of eighteen years and not a party to the case. I am employed in the County of Dallas, State of Texas, where the mailing occurs; and my business address is **BAKER & MCKENZIE LLP**, 2300 Trammell Crow Center, 2001 Ross Avenue, Dallas, Texas 75201; +1 214 978 3000.

On January 24, 2014, I served a copy of the within document(s):

**MOTION FOR DEFENDANT'S COUNSEL TO APPEAR  
TELEPHONICALLY AT FINAL APPROVAL HEARING, OR IN THE  
ALTERNATIVE, MOTION FOR CONTINUANCE**

on the interested parties in this action as follows:

☒ (BY ELECTRONIC MAIL ("E-MAIL") VIA PDF/ADOBE) I caused such documents to be sent via e-mail to the below-listed names (as noted) and e-mail addresses and received confirmation electronic receipts indicating that this document was successfully transmitted to the parties named on the service list. (Where Indicated On Service List)

Todd D. Carpenter (SBN 234464)  
**Carpenter Law Group**  
402 West Broadway, 29<sup>th</sup> Floor  
San Diego, CA 92101  
Telephone: +1 619 347 3517  
Facsimile: +1 619 756 6991  
Email: [todd@carpenterlawyers.com](mailto:todd@carpenterlawyers.com)

*Attorney for Plaintiff*  
**TRAVIS BENWARE**

I declare under penalty of perjury under the laws of the United States of America that the above is true and correct. Executed on January 24, 2014, at Dallas, Texas.

/s/ Mark D. Taylor  
Mark D. Taylor